

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

ORIENTATION SESSION SUMMARY

Friday, September 28, 2001 (9:30 am to 4:00 pm)

Oakland Airport Hilton
Boardroom 2 -BLDG 5
1 Hegenberger Road
Oakland, CA 94621
(510) 635-5000

PRESENT: Mr. Sondheim (Chair); Ms. Betzner; Ms. Foy; Mr. George, Jr.; Mrs. Julien; Mr. Lamport; Mr. Martinez; Mr. Melchior; Ms. Peck (by telephone); Hon. Justice Ruvolo; Mr. Sapiro, Jr.; Mr. Tuft; Mr. Vapnek; and Mr. Voogd.

ALSO PRESENT: Randall Difuntorum; Mark Hartman; Audrey Hollins; and Lauren McCurdy of State Bar Staff.

I. CHAIR'S WELCOME AND INTRODUCTORY REMARKS

- a. The Chair welcomed the members of the Commission and all persons present introduced themselves.
- b. The members discussed the Commission's charge. During the discussion, staff was asked to note the following key points: (1) the Commission's interest in obtaining input early in its process from the public, members of the bar, the judiciary (including the State Bar Court), COPRAC, the Ethics Hotline, and the Office of Enforcement; (2) the Commission's informal consensus to consider a reorganization and renumbering of the rules at a latter stage in the rule drafting process; and (3) the interest of some Commissioners in having a philosophical discussion of the purpose of the rules of professional conduct.

Following the discussion, staff was assigned to distribute a list identifying the various policy issue studies that are part of the Commission's charge. Upon distribution, each Commissioner was assigned to review the list to determine which studies they would be interested in monitoring. Acting as a "monitor" rather than a "liaison" was preferred so as to avoid any potential

misunderstanding of the Commission's involvement in another group's study. Also, staff was assigned to develop a proposal for seeking early public comment from the identified groups.

- c. As oral report on the action taken by the ABA House of Delegates at the 2001 ABA Annual Meeting was presented by the Chair; Mr. Lamport; Ms. Peck and Mr. Tuft. Staff distributed a summary document posted by ABA staff.

II. KEY ADMINISTRATIVE AND OPERATIONAL MATTERS

- a. The members discussed some key administrative and operational matters. During the discussion, Ms. McCurdy emphasized the need to promptly submit expense reimbursement forms together with all needed documentation. It was noted that all reimbursement requests for expenditures of \$25 or more require receipts. Also, Ms. Hollins collected information to finalize Commission rosters.
- b. The Chair called attention to two important Commission procedures: the handling of media inquiries; and oral disclosure of conflicts of interest.
- c. The members agreed to a revised schedule of meetings. (The revised schedule is attached.)
- d. The Chair noted that business casual attire is appropriate for regular Commission meetings.

III. SUMMARY OF PROVIDED BACKGROUND MATERIALS - THE PRIOR WORK OF THE COMMISSION; RULE REVISIONS CONSIDERED OR ADOPTED DURING THE COMMISSION'S ABEYANCE STATUS; OTHER SIGNIFICANT STATE BAR OR SUPREME COURT STUDIES AND REPORTS

Staff summarized provided background materials in a power point presentation. A print out of the slides was distributed.

IV. DISCUSSION OF METHODOLOGY AND OTHER STRATEGIC PLANNING MATTERS

The members discussed options for implementing a Commission "reporter." Following discussion, it was decided by acclamation that a consultant position should be developed as a research assistant and not as a "reporter." The Chair volunteered to work with staff to explore a recruitment plan for an appropriate research assistant.

Discussion of methodology and a Commission vice-chair was carried over to the next meeting.